

PROCEDURE IN THE FORMATION AND OPERATION OF FIRE PROTECTION DISTRICTS

The following is a list of questions and answers most commonly asked relative to the organization and operation of fire districts. The source of this information is RCW 52, Washington Laws pertaining to Fire Protection Districts.

Q. WHAT IS A FIRE PROTECTION DISTRICT?

- A. Fire protection districts for the provision of fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property in areas outside of cities and towns, except where the cities and towns have been annexed into a fire protection district, are authorized to be established as provided in this title.

Q. WHAT ARE THE FIRST STEPS TO BE TAKEN TOWARDS THE FORMATION OF A FIRE DISTRICT?

- A. Those interested in its formation should tentatively agree upon the territory to be included. A map should be drawn with a description of the property by metes and bounds or by townships, ranges, and legal subdivisions. Next, a petition should be circulated to obtain signatures of the registered voters within the district. See RCW 52.02.030.

BOARD OF COUNTY COMMISSIONERS

"We, the undersigned registered voters, feel it would be conducive to the public safety and welfare, to create a fire protection district in the following described area for the protection of life and property and the elimination of fire hazards. We do hereby petition you to charter a fire protection district in the following described area:" (Insert legal description of area proposed here—you should exclude federal and tribal land.)

Q. WHO MAY SIGN THE PETITION?

- A. Any registered voter within the area.

Q. HOW MANY SIGNATURES ARE REQUIRED ON THE PETITION?

- A. Not less than 10% of the total voters.

Q. WHAT IS DONE WITH THE PETITION?

- A. The petition is filed with the county auditor who examines the signatures and certifies they are qualified signatures. The auditor transmits the petition to the county commissioners and they set a date for a public hearing. The hearing shall be at the county commissioners' office not less than 20 nor more than 40 days after receipt of the petition. The county commissioners announce the date of the public

hearing and publish a notice for three consecutive weeks in a paper with general circulation in the county. A public hearing is held to hear such evidence as deemed material to the formation of the district. Lands within the district that are currently being assessed by the forestry department will not be taxable for fire protection districts. If the commissioners find the petition favorable, they designate the name and number of the district, fix the boundaries thereof, set an election date and name three voters of the district as candidates for the first three fire commissioners. If 3/5 of all votes cast favor the district, the board of county commissioners will declare the area duly organized and name the three candidates receiving the highest number of votes as the fire commissioners.

Q. WHAT ARE SOME OF THE THINGS TO WATCH FOR IN FORMING A DISTRICT?

- A. One of the most important things to be considered is the assessed valuation of the territory proposed. Make sure there will be finances available to operate a fire district. Can the area be properly covered by fire apparatus? It will require about 100 days to complete the required legal organization of a fire protection district under the most favorable circumstances. Any new taxing district must be legally incorporated before the 1st of March if they are to be included on the tax rolls for that year. These taxes are then collected the following year.

Q. WHAT SHOULD BE CONSIDERED IN THE LOCATION OF THE FIRE STATION IN A DISTRICT?

- A. Geographically, the station should be located centrally, and near a community business center so that there would be firefighters available during the day. Before making any decision on the location of the station, it is always recommended to check with the Washington Surveying and Rating Bureau to make sure the location will meet with rating specifications.

Q. WHAT IS THE STATUS OF A FIRE PROTECTION DISTRICT?

- A. Fire protection districts are political subdivisions of the state and municipal corporations within the laws of the state of Washington.

Q. WHAT ARE THE SPECIFIC POWERS OF A DISTRICT?

- A. Fire protection districts have full authority to carry out their purposes and to that end may acquire, purchase, hold, lease, manage, occupy, and sell real and personal property, or any interest therein, to enter into and to perform any and all necessary contracts, to appoint and employ the necessary officers, agents, and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of assessments and special taxes in the manner and subject to the limitations provided in this title against the lands within the district for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this title. See RCW 52.12.031.

Q. WHAT ARE THE DUTIES AND POWERS OF THE COMMISSIONERS?

- A. The board of fire commissioners has the responsibility of managing all the affairs of the district. There is no authority except that vested in the board. The board appoints a secretary and a chief. The board may delegate certain power to the secretary and chief.

Q. WHEN DO THE COMMISSIONERS MEET?

- A. The board shall hold regular monthly meetings at a location within the jurisdiction. Special meetings of the board may be called at any time by a majority of the commissioners, or by the chairperson, subject to the Open Public Meetings Act.

Q. WHAT ABOUT THE FINANCES OF THE DISTRICT?

- A. The county treasurer is the financial agent. The treasurer will receive and disburse all district revenues and credit all revenues to the proper fund.

Q. WHAT FUNDS ARE THERE?

- A. The county treasurer's office will set up the following funds:
- (1) Expense Fund
 - (2) Reserve Fund
 - (3) Local Improvement District Fund
 - (4) General Obligation Fund
 - (5) Such other funds as the board may establish

Q. HOW DOES THE DISTRICT BUDGET?

- A. Annually, the fire commissioners prepare a budget of the requirements of each fund and certify and deliver to the county commissioners on or before the 1st Wednesday following the 1st Monday in October. The fire commissioners shall budget for a levy into the expense fund for all anticipated needs for maintenance, operation, salaries, and capital outlay. They shall budget into the general obligation fund likewise in amounts sufficient to make payments on general obligation bonds and likewise in a L.I.D. fund if there is a L.I.D.

Q. WHAT IS THE GENERAL TAX LEVY AUTHORIZED?

- A. As the law stands now, it permits a \$.50 per \$1,000 assessed valuation levy for general operating expenses and a second \$.50 provided that such levy will not take dollars from other junior taxing districts. A third \$.50 is available for districts with a paid full-time employee.

Q. HOW MUCH MAY A DISTRICT BE INDEBTED FOR WITHOUT A VOTE OF THE PEOPLE?

- A. The commissioners may sell registered warrants up to 3/8 of 1% of assessed valuation of the district for a period not to exceed 20 years. See RCW 52.16.061.

Q. FOR WHAT AMOUNT MAY A DISTRICT BE OBLIGATED WITH A VOTE OF THE PEOPLE?

A. If the people of the district vote favorably on a bond issue at a special election held for this purpose, the commissioners may sell general obligation bonds up to $\frac{3}{4}$ of 1% of the total valuation of the district for a period not to exceed 20 years. Bond issues and special levies must receive 40% of the votes cast at the last general election and must receive a 60% favorable vote.

Q. MAY A DISTRICT HOLD SPECIAL ELECTIONS?

A. Yes. Special elections submitting propositions to the voters of a district may be called at any time by resolution.

Q. MAY A DISTRICT RECEIVE FUNDS FROM STATE PROPERTY WITHIN THEIR DISTRICT?

A. Yes. State and local government institutions within a fire district are required by law to contract with fire districts. See RCW 52.30.020.

Q. ARE THERE ANY REQUIREMENTS FOR APPARATUS?

A. In order for a fire protection district to meet Washington Surveying and Rating Bureau approval for insurance rates, there are certain basic requirements for apparatus, personnel and water supply.

Q. MAY THE FIRE DISTRICT COMMISSIONERS PERMIT THEIR APPARATUS TO GO BEYOND THE BOUNDARY OF THEIR FIRE DISTRICT?

A. Yes. See RCW 52.12.111.

Q. SHOULD THE VOLUNTEER FIREFIGHTERS OF A DISTRICT PARTICIPATE IN THE VOLUNTEER FIREFIGHTERS RELIEF AND PENSION FUND?

A. Yes. The law provides that all fire districts must contribute to this fund for the protection of their volunteer firefighters in case of accident. Information may be obtained from the Board for Volunteer Firefighters and Reserve Police Officers, P.O. Box 114, Olympia, WA 98507, telephone number (360) 753-7318, or toll-free 1-877-753-7318.

Q. DOES A FIRE DISTRICT HAVE THE AUTHORITY TO ISSUE FIRE PERMITS?

A. Yes. After publication of a resolution to that effect, the commissioners may require a written permit before any burning shall be done within a district (except on forest land). See RCW 52.12.101 through 108.